IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.47 OF 2005
IN
WRIT PETITION NO.7071 OF 2004

Mr Suhaschandra Hemant Deshmukh
and Others ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Shri S.S. Pakale for the Petitioners.
Shri Sandeep Davhale i/by Shri V.P.Savant for the Respondent Nos.4 and 5.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 23, 2007.

P.C.:

1. Heard the learned Advocate for the Petitioner, the learned A.G.P for the first to third Respondents and the learned Advocate for the fourth and fifth Respondents. The Petitioners have alleged that the fourth and fifth Respondents have committed breach of order dated 16th September, 2004 passed by a Division Bench of this Court in Writ Petition No.7071 of 2004. The said order reads thus:

> "3. Keeping in view the interim orders passed in similar matters by this Court as well as Apex Court we direct respondent Nos.2

and 3 to pay the salary of the lecturers as per Vth Pay Commission with effect from 01st June, 2004".

2. There is a reply filed by the fourth and fifth Respondents to the Contempt Petition. In paragraph No.7 of the reply, the fourth and fifth Respondents have stated thus:

"7. Without prejudice and notwithstanding the above position, it is humbly submitted that the Respondent Nos.4 and 5 have in fact paid the Petitioners the salary of Lecturers as per the Vth Pay Commission with effect from 1.6.2004. I say that out of ignorance and without consultation of our Advocate, we had promptly written a letter dated 13.12.2004 addressed to the Hon’ble Court of Judiciary at Bombay, Civil Appellate Jurisdiction reporting that as per the orders issued by the Hon’ble Court, the Petitioners are confirmed in service as Lecturers in Automobile Engineering as per Vth Pay Commission with effect from 1.6.2004. It was also reported for

information that the difference in demand of scale from 1.6.2004 will be paid 15.12.2004. Hereto annexed and marked as Exhibt-‘3’ is a true copy of the said letter dated 13.12.2004 bearing No.NPK/2004-2005/746".

3. The learned counsel for the fourth and fifth Respondents pointed out to me that the direction issued by the Division Bench in order dated 16th September, 2004 is against the second and third Respondents who are the Director of Technical Education and Joint Director of Technical Education.

4. Perusal of the order dated 16th September, 2004 shows that no direction has been issued against the fourth and fifth Respondents herein. Therefore, as of today there is no ground to take action under the Contempt of Courts Act, 1971 as against the fourth and fifth Respondents. The Petition is accordingly disposed of.

JUDGE